an exemplary embodiment, the method uses a parseable control information file such as an XML file. Media retrieval and presentation begins with retrieval and parsing of the control information file. A control script is then run by an XML interpreter, using output from the XML parser. In general, the control script retrieves files, or segments of the media presentation, from one or more server s in a computer network for sequential playout. Insofar as the particulars of which files are retrieved, when and from where, however, the control script offers great flexibility. For example, two or more alternative files may be provided corresponding to the same section of a media presentation, with the client device selecting between the alternatives based on device capability, for example, or network conditions, or other considerations.

Claims 2-6 and 14-22 were rejected under as being unpatentable over McLain in view of White et al. ("White"). Claims 4-6 and 14-22 were rejected as being unpatentable over Cohen in view of McLain, and claims 2 and 3 were rejected as being unpatentable over the same combination further in view of Lin et al. ("Lin"). The rejections are respectfully traversed.

The system of McLain differs substantially from that of the claimed invention. McLain essentially teaches filtering content downloaded from an internet site according to a user profile for storage and use on a mobile device (i.e., offline browsing of internet content). The content may be downloaded to a PC and transferred to the mobile device, or may be downloaded directly to the mobile device. Regardless, in McLain, the content provider is not required to adapt to the system architecture by making available separate script files and data files. Hence McLain does not teach or suggest the salient feature of *downloading a control information file stored on a server computer*, parsing the same, and based on such parsing, retrieving (from a server) a first file to begin a media presentation, etc.; rather, McLain teaches away from this feature. There is no teaching or suggestion in McLain that the Channel Definition Format (CDF) file referred to in the background section is downloaded from the server preparatory to downloading content (e.g., segmented content) from the server.

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White does nothing to remedy the foregoing deficiency.

With respect to the other grounds of rejection (Cohen/McLain), the rejection states in part:
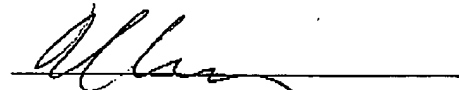
> It would have been obvious...to have used XML as an alternative format for composing Cohen's connection file because XML is well know for its flexibility, with which it would make Cohen's connection file more dynamic and adaptable for containing the rather sophisticated file status information.

Applicant respectfully disagrees, and submits that the rejection is the product of impermissible hindsight. There is nothing *in the references themselves* that would teach or suggest using XML for the connection file of Cohen.

With respect to claims 2 and 3, the combination of Lin with Cohen does not remedy the deficiencies of Cohen/McLain. Claims 2 and 3 are therefore believed to be patentable at least for the same reasons as claim 14.

For the foregoing reasons, claims 14, 17 and 20 are believed to patentably define over the cited references. Dependent claims 2-6, 12, 13, 15, 1618, 19, 21 and 22 are also believed to add novel and patentable subject matter to their respective independent claims. Withdrawal of the rejection and allowance is respectfully requested.

Respectfully submitted,

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